

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

B.L., a minor, by and through her father,)
LAWRENCE LEVY, and her mother,)
BETTY LOU LEVY,) Civ. No. 3:17-cv-1734
)
)
Plaintiff,)
)
)
v.)
)
MAHANOY AREA SCHOOL)
DISTRICT;)
)
Defendant.)
)

ORDER

AND NOW, this _____ day of _____, 2017,
after consideration of Plaintiff's Verified Complaint and Motion for Temporary
Restraining Order and Preliminary Injunction, and Memorandum of Law in
support thereof, the Plaintiff and Defendant having appeared before the Court by
their attorneys and presented argument and evidence; and it further appearing that
Plaintiff will suffer immediate and irreparable harm, injury, and damage from
Defendant's conduct unless Defendant is enjoined and restrained as requested in
Plaintiff's motion, it is hereby ORDERED, ADJUDGED and DECREED as
follows:

1. The Court makes the following findings:

a. There is a likelihood that Plaintiff will succeed on the merits of her claims that the District Cheerleading Rules and Defendant's punishment of Plaintiff for her private, out-of-school speech violate Plaintiff's First Amendment and Due Process rights.

b. Substantial and irreparable injury to Plaintiff will follow unless this order is entered;

c. Greater injury will be inflicted upon Plaintiff by the denial of the requested relief than will be inflicted upon Defendant by the granting of the requested relief;

d. Plaintiff has no adequate remedy at law; and

e. The public interest will be served by the injunction.

2. IT IS THEREFORE ORDERED THAT Defendant, together with its representatives, agents, servants, and all others acting on its behalf or in concert with it, are hereby ENJOINED and RESTRAINED, until further Order of the Court, from (1) enforcing the Cheerleading Rules pertaining to out-of-school speech against Plaintiff; and (2) excluding Plaintiff from the cheerleading squad on account of her out-of-school speech.

3. This being a non-commercial case involving a relatively small amount of money, and the balance of hardships favoring the Plaintiffs, the Fed. R. Civ. P. 65(c) security bond requirement is hereby waived. *Elliot v. Kiesewetter*, 98

F.3d 47, 59-60 (3d Cir. 1996); *Temple University v. White*, 941 F.2d 201, 219-20 (3d Cir. 1991).

4. Plaintiff, by her attorneys, agents, or other designees, may serve copies of this Order upon Defendant and upon any person acting in concert or participating with them in the activities referred to above.

BY THE COURT

J.